

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

SEAN VEST,)	
)	
<i>Petitioner</i>)	
)	
vs.)	CAUSE NO. 3:07-CV-112 RM
)	(Arising out of 3:05-CR-113(01)RM)
UNITED STATES OF AMERICA,)	
)	
<i>Respondent</i>)	

OPINION and ORDER

On March 30, 2007, the court denied Sean Vest's petition filed pursuant to 28 U.S.C. § 2255 based on Mr. Vest's waiver, in his plea agreement, of his right to appeal and to file a habeas petition. Mr. Vest's motion to reconsider was denied on April 30, and Mr. Vest is now before the court seeking a certificate of appealability.

Issuance of a certificate of appealability requires the court to find that Mr. Vest has made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). He has not done so. In his plea agreement, Mr. Vest waived his right to file an appeal and a petition under § 2255, and he has presented no facts or evidence to establish that his waiver was not knowing and voluntary or that he received ineffective assistance of counsel with respect to that waiver. Mason v. United States, 211 F.3d1065, 1069 (7th Cir. 2000); Jones v. United States, 167 F.3d 1142, 1145 (7th Cir. 1999).

Mr. Vest's motion for a certificate of appealability [filed June 11, 2007] is
DENIED.

SO ORDERED.

ENTERED: June 13, 2006

/s/ Robert L. Miller, Jr.
Chief Judge
United States District Court

cc: S. Vest
AUSA Schmid